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Andrea Basso

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SHANG, ANNAN Q

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/552,312	Applicant(s) BASSO ET AL.	
	Examiner ANNAN Q. SHANG	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-7 and 18 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of the last office action, Applicant amends claims and further argues that the prior arts of record do not teach the amended claim limitations (see page 6+ of Applicant's Remarks)

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Cobbley meets the claims limitations as follows: Cobbley discloses a module (Device 112-130) configured to classify a media collection as program content versus television commercials (figs.1 and 2 Window 210, col.11, line 5-col.12, line 12), which includes sports news, local news, commercial, real-time stock, weather report, text associated with video, etc., (col.3, line 31-col.4, line 12, col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64), **Cobbley clearly displays secondary data in Window 210, which is separate from the program content displayed in Window 205, where the secondary or associated data, includes: sports news, local news,...commercial, national news, weather, etc., which are transmitted for example "repeating news transmission...five minutes every half-hour..." and within the main program; the title or the subject matter heading of the various secondary information are indexed with the main program.** Cobbley further discloses that module (Device 112-130) configured identify segments within classified program content based on synchronizing recognized speech from the speaker

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voice characteristics in each identified segment with captioning to extract stories (col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64), indexing further includes subject matter, particular characters interacting in the video and audio, hosted talk shows, show topics, gusts, etc.,; where synchronizing recognized comprises, recognizing speech in the media, generating word timestamps based on the recognized speech and aligning the captioning with the recognized speech baded on the word timestamps, analyzing the content of the media collection to determine whether speech recognition data or closed captioning data may be used to index the media collection (col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64) and indexing (Index Data Capture Device 112) the media collection to create an indexed library based on the identified segments and synchronized speech (col.3, lines 55-col.4, line 12, lines 51-61, col.9, line 50-col.10, line 10 and col.15, lines 24-64); Cobbley further discloses receiving at a server a search query to the indexed media collection from a user; searching the indexed library to identify a set of candidate program segments based on the search query (subject matter title or heading); presenting at the client device the set of candidate program segments for the user to browse and select (col.9, line 25-col.10, line 10, lines 26-col.12, line 1+ and col.15, lines 24-64). As clearly disclosed, Cobbley teaches indexing based on subject matter (e.g., title or subject matter heading of the main program versus the various title or subject matter heading secondary data (including Commercial) which are transmitting for five minutes every half-hour within the main program and provides a list of these secondary data in Window 210. **Cobbley does not clearly show that the various secondary**

data (which includes commercials) are all commercials being presented chronologically separate from the program content. However note **Hooks** reference figures 1-9, discloses a method of storing and delivering ads, where the ads are presented chronologically separate from the program content (col.3, lines 33-47, col.4, line 54-col.5, line 3, line 32-col.6, line 49 and col.8, line 61-col.9, line 1+). Cobbley as modified by Hook, indexes hosted talk shows, show topics, gusts, etc., using various indexing techniques, such as speech recognition, closed captioning, etc., but silent as to using speaker voice characteristics, i.e., natural language: spoken segments, vocabulary speech recognition and parallel text alignment. However, note the **Dimitrova** reference figures 1-7, discloses multimedia computer system with story segmentation capability and operating program, which sorts a set of story segments (multimedia, including television program) by detecting various features of the multimedia, including a speech recognition system which detects and identifies speakers using natural voice characteristics indexes/searches data base on the characteristic of the detected data (col.9, line 4-15, line 47-col.10, line 46, col.11, line 13-34, line 54-col.12, line 42 and col.14, line 24-col.15, line 1+). Hence the amended claims do not overcome the prior art of record. **This office action is made Final.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cobbley et al (5,818,510)** in view of **Hooks et al (6,169,542)** and further in view of **Dimitrova (6,363,380)**.

As to claim 1, note the **Cobbley** reference figures 1-5, discloses method and system for providing broadcast information with indexing and further discloses a method comprising steps of:

A module (Device 112-130) configured to classify a media collection as program content versus television commercials (figs.1 and 2 Window 210, col.11, line 5-col.12, line 12), various secondary data, sport news, local news,...commercial, national news, weather, etc., includes real-time stock, text associated with video, etc., (col.3, line 31-col.4, line 12, col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64); note title or subject matter heading of the main program versus subject matter title or heading of the various secondary data

A module (Device 112-130) configured identify segments within classified program content based on synchronizing recognized speech from the speaker voice characteristics in each identified segment with captioning to extract stories (col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64), indexing further includes subject matter, particular characters interacting in the video and audio, hosted talk shows, show topics, gusts, etc., where synchronizing recognized comprises, recognizing speech in the media, generating word timestamps based on the recognized speech and aligning the captioning with the recognized speech baded on the word

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timestamps (col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64), and

Analyzing content of the media collection to determine whether speech recognition data or closed captioning data may be used to index the media collection (col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64)

Indexing (Index Data Capture Device 112) the media collection to create an indexed library based on the identified segments and synchronized speech (col.3, lines 55-col.4, line 12, lines 51-61, col.9, line 50-col.10, line 10 and col.15, lines 24-64);

Receiving at a server a search query to the indexed media collection from a user; searching the indexed library to identify a set of candidate program segments based on the search query; presenting at the client device the set of candidate program segments for the user to browse and select (col.9, line 25-col.10, line 10, lines 26-col.12, line 1+ and col.15, lines 24-64).

Cobbley teaches indexing based on subject matter (e.g., title or subject matter heading of the main program versus the various title or subject matter heading secondary data (including Commercial) which are transmitting for five minutes every half-hour within the main program and provides a list of these secondary data in Window 210. Cobbley further displays secondary data in Window 210, which is separate from the program content displayed in Window 205, where the secondary or associated data, includes: sports news, local news,...commercial, national news, weather, etc., which are transmitted for example "repeating news transmission...five

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minutes every half-hour..." and within the main program; the title or the subject matter heading of the various secondary information are indexed with the main program.

Cobbley does not clearly show that the various secondary data (which includes commercials) are all commercials being presented chronologically separate from the program content

However note **Hooks** reference figures 1-9, discloses a method of storing and delivering ads, where the ads are presented chronologically (col.3, lines 33-47, col.4, line 54-col.5, line 3, line 32-col.6, line 49 and col.8, line 61-col.9, line 1+)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hook into the system of Cobbley to index, search and present ads in an orderly manner to provide more effective delivering of ads in accordance to preferences of user(s).

Cobbley as modified by Hook, indexing hosted talk shows, show topics, gusts, etc., using various indexing techniques, such as speech recognition, closed captioning, etc., but silent to the use of a speaker voice characteristics (natural language): spoken segments, vocabulary speech recognition and parallel text alignment.

However, note the **Dimitrova** reference figures 1-7, discloses multimedia computer system with story segmentation capability and operating program, which sorts a set of story segments (multimedia, including television program) by detecting various features of the multimedia, including a speech recognition system which detects and identifies speakers using natural voice characteristics indexes/searches data base on

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the characteristic of the detected data (col.9, line 4-15, line 47-col.10, line 46, col.11, line 13-34, line 54-col.12, line 42 and col.14, line 24-col.15, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Dimitrova into the system of Cobbley as modified by Hooks provide a system that detects various voice characteristics of speakers and index/search story segments of the speaker(s) for later retrieval as needed, using any available retrieval characteristic.

As to claims 3-4 and 6, Cobbley further teaches browseable image for each segment of the candidate program segments, which includes keywords identified in the searchable text data for display in the browseable image and presenting includes selecting a display segment from the set of candidate program segments and displaying the associated browseable image with associated keywords (fig.2, col.11, line 5-col.12, line 1+ and col.15, line 46-col.16, line 7).

As to claim 18, the claimed "A system for video indexing and delivery..." is composed to the same structural elements that were discussed with respect to the rejection of claim 1.

4. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cobbley et al (5,818,510)** in view of **Hooks et al (6,169,542)** and further in view of **Dimitrova (6,363,380)** as applied to claims 3 and 6 above and further in view of **Hoffert et al (5,983,176)**.

As to claims 5 and 7, Cobbley as modified by Hooks and Dimitrova, is silent to explicitly teach an anchor-person associated with the selected video and where the anchor-person with low information content and field shot image of an event of high information content and forming a browseable image by selecting the field shot image as key image and rejecting the image of the anchor-person as key image.

However, note **Hoffert et al** reference disclose evaluation of media content in a media files, searches for the files in the database and displays the search results based on the content of the media files where high level content attributes are more meaning used for short video sequences to enhanced searching (col. 21, lines 10-28, col. 24, lines 15-35 and Appendix A), note that text and closed captioning data is also used as searchable text.

Therefore it would have be obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hoffert into the system of Cobbley as modified by Hooks and Dimitrova to used high content level data to perform a search to reduce error in a search result

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/
Primary Examiner, Art Unit 2424

Annan Q. Shang